

CHAPTER 530

(House Bill 173)

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

FOR the purpose of establishing the Athletic Trainer Advisory Committee as a subunit of the State Board of Physicians; establishing certain fees for services provided by the Board to athletic trainers; providing for the composition, appointment, and terms of the Committee members; establishing certain powers and duties of the Committee; requiring certain persons to be licensed by the Board as athletic trainers before performing certain work in the State; establishing certain education and experience requirements to qualify for a license; establishing certain application fees and requirements for obtaining a license; establishing certain terms and procedures for the renewal and reinstatement of a license; prohibiting a licensee from surrendering a license under certain circumstances; authorizing the Board to deny a license to an applicant, reprimand a licensee, place a licensee on probation, or suspend or revoke a license under certain circumstances; establishing certain requirements for reinstatement of a revoked license; providing for certain criminal and civil penalties; establishing certain hearing and appeal procedures for athletic trainers; providing that the Committee is subject to the provisions of the Maryland Program Evaluation Act; requiring that an evaluation of the Committee and statutes and regulations that relate to the Committee be performed on or before a certain date; defining certain terms; providing for the termination of this Act; specifying the terms of the initial members of the Board; and generally relating to the establishment of an athletic trainer license and the Athletic Trainer Advisory Committee.

BY renumbering

Article – State Government

Section 8–403(b)(6) through (68), respectively
to be Section 8–403(b)(7) through (69), respectively

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY adding to

Article – Health Occupations

Section 14–5D–01 through 14–5D–20 to be under the new subtitle “Subtitle 5D.
Athletic Trainers”

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to

Article – State Government
Section 8–403(b)(6)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–403(b)(6) through (68), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Sections 8–403(b)(7) through (69), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

SUBTITLE 5D. ATHLETIC TRAINERS.

14–5D–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ATHLETE” MEANS AN INDIVIDUAL WHO PARTICIPATES IN AN ATHLETIC ACTIVITY.

(C) “ATHLETIC ACTIVITY” MEANS EXERCISE, RECREATION, SPORT, COMPETITION, OR GAME THAT:

(1) REQUIRES PHYSICAL STRENGTH, RANGE OF MOTION, FLEXIBILITY, CONTROL, SPEED, STAMINA, OR AGILITY; AND

(2) IS ASSOCIATED WITH AN EDUCATIONAL INSTITUTION OR A PROFESSIONAL, AMATEUR, OR RECREATIONAL SPORTS CLUB OR ATHLETIC ORGANIZATION.

~~(B)~~ (D) “ATHLETIC INJURY” MEANS AN INJURY OR CONDITION SUSTAINED BY AN INDIVIDUAL THAT AFFECTS THE INDIVIDUAL’S AN ATHLETE’S PARTICIPATION OR PERFORMANCE IN SPORTS, GAMES, RECREATION, EXERCISE, OR OTHER ACTIVITIES AN ATHLETIC ACTIVITY.

~~(C)~~ (E) “BOARD” MEANS THE STATE BOARD OF PHYSICIANS.

~~(D)~~ (F) “COMMITTEE” MEANS THE ATHLETIC TRAINER ADVISORY COMMITTEE ESTABLISHED UNDER § 14-5D-04 OF THIS SUBTITLE.

(G) “EDUCATIONAL INSTITUTION” INCLUDES:

(1) THE SCHOOLS IN THE PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM OF THE STATE;

(2) A NONCOLLEGIATE EDUCATIONAL INSTITUTION GOVERNED UNDER § 2-206 OF THE EDUCATION ARTICLE; AND

(3) AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-101 OF THE EDUCATION ARTICLE.

~~(E)~~ ~~(G)~~ (H) “EVALUATION AND TREATMENT PROTOCOL” MEANS A DOCUMENT THAT IS EXECUTED BY A PHYSICIAN AND AN ATHLETIC TRAINER THAT MEETS THE REQUIREMENTS OF § 14-5D-11 OF THIS SUBTITLE.

~~(F)~~ ~~(H)~~ (I) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE ATHLETIC TRAINING.

~~(G)~~ ~~(I)~~ (J) “LICENSED ATHLETIC TRAINER” MEANS AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO PRACTICE ATHLETIC TRAINING.

~~(H)~~ ~~(J)~~ (K) “NATIONAL CERTIFYING BOARD” MEANS THE NATIONAL ATHLETIC TRAINERS’ ASSOCIATION BOARD OF CERTIFICATION, INC., OR ITS SUCCESSOR ORGANIZATION.

~~(I)~~ ~~(K)~~ (L) (1) “PRACTICE ATHLETIC TRAINING” MEANS APPLICATION OF THE FOLLOWING PRINCIPLES AND METHODS FOR MANAGING ATHLETIC INJURIES FOR ~~ACTIVE INDIVIDUALS AND~~ ATHLETES IN GOOD OVERALL HEALTH UNDER THE SUPERVISION OF A LICENSED PHYSICIAN:

- (I) PREVENTION;
- (II) CLINICAL EVALUATION AND ASSESSMENT;
- (III) IMMEDIATE CARE; AND
- (IV) TREATMENT, REHABILITATION, AND RECONDITIONING.

(2) "PRACTICE ATHLETIC TRAINING" INCLUDES:

(I) ORGANIZATION AND ADMINISTRATION OF AN ATHLETIC TRAINING PROGRAM; AND

(II) INSTRUCTION TO COACHES, ATHLETES, PARENTS, MEDICAL PERSONNEL, AND COMMUNITY MEMBERS REGARDING THE CARE AND PREVENTION OF ATHLETIC INJURIES.

(3) "PRACTICE ATHLETIC TRAINING" DOES NOT INCLUDE:

(I) THE PRACTICE OF:

1. CHIROPRACTIC, INCLUDING ADJUSTMENTS, MANIPULATION, OR HIGH VELOCITY MOBILIZATIONS OF THE SPINE OR EXTREMITIES;

2. MASSAGE THERAPY;

3. MEDICINE;

4. OCCUPATIONAL THERAPY; OR

5. PHYSICAL THERAPY; ~~OR~~

(II) THE RECONDITIONING OF SYSTEMIC NEUROLOGIC INJURIES, CONDITIONS, OR DISEASE; OR

(III) EXCEPT FOR THE CONDITIONING OF AN ATHLETE UNDER THE SUPERVISION OF A TREATING PHYSICIAN, THE TREATMENT, REHABILITATION, OR RECONDITIONING OF NONATHLETIC INJURIES OR DISEASE.

~~(J)~~ ~~(L)~~ (M) "SETTING" MEANS A:

(1) LOCATION WHERE AN ~~ACADEMIC, PROFESSIONAL, OR ORGANIZED AMATEUR ATHLETIC ACTIVITY, INCLUDING A RECREATIONAL OR COMMUNITY ACTIVITY,~~ ATHLETIC ACTIVITY, AS DEFINED IN SUBSECTION (C) OF THIS SECTION, IS BEING HELD;

(2) HEALTH OR FITNESS CLUB;

(3) CLINIC OR HOSPITAL;

- (4) CORPORATION; OR
- (5) GOVERNMENT AGENCY;
- ~~(6) LAW ENFORCEMENT UNIT; OR~~
- ~~(7) MILITARY UNIT.~~

~~(K)~~ ~~(M)~~ (N) "SUPERVISION" MEANS THE RESPONSIBILITY OF A PHYSICIAN TO PROVIDE ONGOING AND IMMEDIATELY AVAILABLE INSTRUCTION THAT IS ADEQUATE TO ENSURE THE SAFETY AND WELFARE OF A PATIENT AND IS APPROPRIATE TO THE SETTING.

14-5D-02.

THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE.

14-5D-03.

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES IT PROVIDES TO ATHLETIC TRAINERS.

(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE OTHER SERVICES PROVIDED TO ATHLETIC TRAINERS.

(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD.

(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

14-5D-04.

THERE IS AN ATHLETIC TRAINER ADVISORY COMMITTEE WITHIN THE BOARD.

14-5D-05.

(A) THE COMMITTEE CONSISTS OF ~~EIGHT~~ 11 MEMBERS APPOINTED BY THE BOARD AS FOLLOWS:

(1) (I) ON OR BEFORE SEPTEMBER 30, 2011, THREE ATHLETIC TRAINERS WHO:

1. ARE CERTIFIED BY A NATIONAL CERTIFYING BOARD; AND

2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL EXPERIENCE; AND

(II) ON OR AFTER OCTOBER 1, 2011, THREE LICENSED ATHLETIC TRAINERS WHO:

1. ARE CERTIFIED BY A NATIONAL CERTIFYING BOARD; AND

2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL EXPERIENCE;

(2) THREE LICENSED PHYSICIANS:

(I) AT LEAST ONE OF WHOM IS A SPECIALIST IN ORTHOPEDIC OR SPORTS MEDICINE; AND

(II) TWO OF WHOM PREVIOUSLY OR CURRENTLY HAVE PARTNERED WITH OR DIRECTED AN ATHLETIC TRAINER;

(3) ONE LICENSED CHIROPRACTOR WHO HAS SPORTS MEDICINE EXPERIENCE; ~~AND~~

(4) ONE LICENSED PHYSICAL THERAPIST;

(5) ONE LICENSED OCCUPATIONAL THERAPIST; AND

~~(4) ONE CONSUMER MEMBER.~~

(6) TWO CONSUMER MEMBERS.

(B) (1) THE ATHLETIC TRAINER MEMBERS MAY BE APPOINTED BY THE BOARD FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE BOARD BY THE MARYLAND ATHLETIC TRAINERS ASSOCIATION, INC.

(2) THE BOARD MAY REQUEST AN ADDITIONAL LIST OF NOMINEES FOR EACH VACANCY.

(C) THE CONSUMER MEMBER OF THE COMMITTEE:

(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

(2) MAY NOT BE OR EVER HAVE BEEN:

(I) AN ATHLETIC TRAINER;

(II) A HEALTH CARE PROFESSIONAL; OR

(III) IN TRAINING TO BE AN ATHLETIC TRAINER OR OTHER HEALTH PROFESSIONAL; AND

(3) MAY NOT:

(I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ATHLETIC TRAINING;

(II) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD; OR

(III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO ATHLETIC TRAINERS OR TO THE FIELD OF ATHLETIC TRAINING.

(D) (1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2009.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.

(E) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR EVERY 2 YEARS.

14-5D-06.

IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE COMMITTEE SHALL:

(1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO CARRY OUT THIS SUBTITLE;

(2) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

(3) PROVIDE THE BOARD WITH RECOMMENDATIONS CONCERNING THE PRACTICE OF ATHLETIC TRAINING;

(4) DEVELOP AND RECOMMEND TO THE BOARD AN EVALUATION AND TREATMENT PROTOCOL FOR USE BY AN ATHLETIC TRAINER AND THE PHYSICIAN WITH WHOM THE ATHLETIC TRAINER PRACTICES;

(5) PROVIDE ADVICE AND RECOMMENDATIONS TO THE BOARD ON INDIVIDUAL EVALUATION AND TREATMENT PROTOCOLS WHEN REQUESTED; AND

(6) KEEP A RECORD OF ITS PROCEEDINGS.

14-5D-07.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER OCTOBER 1, 2011, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE ATHLETIC TRAINING IN THE STATE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT AS AN ATHLETIC TRAINER WHILE THE INDIVIDUAL IS PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT;

(2) AN INDIVIDUAL EMPLOYED BY OR UNDER CONTRACT WITH AN ENTITY LOCATED IN ANOTHER STATE WHO ~~IS REPRESENTING THAT ENTITY AT AN ATHLETIC EVENT OR ANY OTHER EVENT FOR LESS THAN 45 DAYS IN THE STATE BY~~ REPRESENTS THAT ENTITY:

(I) AT AN ATHLETIC EVENT IN THE STATE;

(II) FOR A PERIOD OF TIME NOT TO EXCEED 45 DAYS WITHIN A CALENDAR YEAR; AND

(III) BY PROVIDING ATHLETIC TRAINING SERVICES TO INDIVIDUALS REPRESENTING THE ENTITY AT THE EVENT; OR

(3) A STUDENT ENROLLED IN AN EDUCATION PROGRAM THAT MEETS THE CRITERIA OF § 14-5D-08(C)(2) OF THIS SUBTITLE WHILE ENGAGED IN AN UNPAID, CLINICAL EDUCATIONAL EXPERIENCE OF ATHLETIC TRAINING.

14-5D-08.

(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT SHALL:

(1) BE OF GOOD MORAL CHARACTER; AND

(2) BE AT LEAST 18 YEARS OLD.

(C) THE APPLICANT SHALL:

(1) HAVE A CURRENT CERTIFICATION BY A NATIONAL CERTIFYING BOARD APPROVED BY THE BOARD;

(2) HAVE RECEIVED A BACHELOR'S OR MASTER'S DEGREE FROM AN ATHLETIC TRAINING EDUCATIONAL PROGRAM THAT IS ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ATHLETIC TRAINING EDUCATION OR ITS SUCCESSOR;

(3) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN ENGLISH AS REQUIRED BY THE BOARD; AND

(4) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE BOARD.

(D) THE BOARD SHALL WAIVE THE EDUCATION REQUIREMENTS UNDER THIS SECTION IF AN INDIVIDUAL WAS CERTIFIED BY THE NATIONAL ATHLETIC TRAINERS' ASSOCIATION BOARD OF CERTIFICATION, INC., BEFORE JANUARY 1, 2004, AND IS CURRENTLY IN GOOD STANDING.

14-5D-09.

(A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES; AND

(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

(B) THE BOARD SHALL ISSUE THE APPROPRIATE LICENSE TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE FOR THAT LICENSE.

14-5D-10.

(A) AN ATHLETIC TRAINER LICENSE AUTHORIZES THE LICENSEE TO PRACTICE ATHLETIC TRAINING SERVICES IN AN APPROVED SETTING WHILE THE LICENSE IS EFFECTIVE.

(B) A LICENSED ATHLETIC TRAINER SHALL PRACTICE ATHLETIC TRAINING IN ACCORDANCE WITH THE EVALUATION AND TREATMENT PROTOCOL BETWEEN THE ATHLETIC TRAINER AND A LICENSED PHYSICIAN.

14-5D-11.

(A) NOTHING IN THIS TITLE MAY BE CONSTRUED TO AUTHORIZE AN ATHLETIC TRAINER TO PRACTICE EXCEPT UNDER THE SUPERVISION OF A LICENSED PHYSICIAN AND IN AN APPROVED SETTING.

(B) BEFORE AN ATHLETIC TRAINER MAY PRACTICE ATHLETIC TRAINING, THE ATHLETIC TRAINER SHALL:

(1) OBTAIN A LICENSE UNDER THIS SUBTITLE;

(2) ENTER INTO A WRITTEN EVALUATION AND TREATMENT PROTOCOL WITH A LICENSED PHYSICIAN; AND

(3) OBTAIN BOARD APPROVAL OF THE EVALUATION AND TREATMENT PROTOCOL.

(C) AN EVALUATION AND TREATMENT PROTOCOL SHALL:

(1) DESCRIBE THE QUALIFICATIONS OF THE LICENSED PHYSICIAN AND LICENSED ATHLETIC TRAINER;

(2) DESCRIBE THE SETTINGS WHERE THE ATHLETIC TRAINER MAY PRACTICE;

(3) DESCRIBE THE PHYSICIAN SUPERVISION MECHANISMS THAT THE PHYSICIAN WILL USE TO GIVE DIRECTION TO THE ATHLETIC TRAINER; AND

(4) SPECIFY THE TREATMENT PROCEDURES THE ATHLETIC TRAINER MAY PERFORM.

14-5D-12.

(A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL SEND TO THE LICENSEE A RENEWAL NOTICE THAT STATES:

(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

(3) THE AMOUNT OF THE RENEWAL FEE.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE LICENSEE:

(1) OTHERWISE IS ENTITLED TO BE LICENSED;

(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;
AND

(3) SUBMITS TO THE BOARD:

(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES;

(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND

(III) ANY OTHER REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL.

(D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION OF THE RENEWAL OF LICENSES UNDER THIS SECTION.

(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(F) THE BOARD SHALL REINSTATE THE LICENSE OF AN ATHLETIC TRAINER WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE ATHLETIC TRAINER:

(1) APPLIES FOR REINSTATEMENT;

(2) MEETS RENEWAL AND REINSTATEMENT REQUIREMENTS; AND

(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.

(G) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5D-14 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.

14-5D-13.

UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A LICENSED ATHLETIC TRAINER MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

14-5D-14.

(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

- (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR FOR ANOTHER;**
- (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**
- (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE PRACTICE OF ATHLETIC TRAINING;**
- (4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;**
- (5) ABANDONS A PATIENT;**
- (6) HABITUALLY IS INTOXICATED;**
- (7) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE;**
- (8) PROVIDES PROFESSIONAL SERVICES WHILE:**
 - (I) UNDER THE INFLUENCE OF ALCOHOL; OR**
 - (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR ANY OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;**
- (9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;**
- (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF ATHLETIC TRAINING;**
- (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;**
- (12) BREACHES PATIENT CONFIDENTIALITY;**

(13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF REMUNERATION OR MATERIAL BENEFIT TO ANY INDIVIDUAL FOR BRINGING OR REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR REFERRING A PATIENT;

(14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING ATHLETIC TRAINING;

(15) KNOWINGLY PRACTICES ATHLETIC TRAINING WITH AN UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF ATHLETIC TRAINER SERVICES;

(16) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

(17) IS DISCIPLINED BY A LICENSING, CERTIFYING, OR DISCIPLINARY AUTHORITY OR IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION;

(18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF ATHLETIC TRAINING SERVICES;

(19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR WHICH SERVICES HAVE NOT BEEN PROVIDED;

(20) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND

(II) THE LICENSED INDIVIDUAL:

1. SURRENDERED THE LICENSE ISSUED BY THE STATE OR COUNTRY; OR

2. ALLOWED THE LICENSE ISSUED BY THE STATE OR COUNTRY TO EXPIRE OR LAPSE;

(21) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

(22) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

(23) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE AUTHORIZED SCOPE OF PRACTICE;

(24) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(25) PRACTICES OR ATTEMPTS TO PRACTICE AN ATHLETIC TRAINING PROCEDURE OR USES OR ATTEMPTS TO USE ATHLETIC TRAINING EQUIPMENT IF THE APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE EQUIPMENT;

(26) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;

(27) FAILS TO PRACTICE UNDER THE SUPERVISION OF A PHYSICIAN OR VIOLATES THE APPROVED EVALUATION AND TREATMENT PROTOCOL; OR

(28) VIOLATES AN ORDER OF THE BOARD, INCLUDING ANY CONDITION OF PROBATION.

(B) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

(2) AFTER COMPLETION OF THE APPELLATE PROCESS, IF THE CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL.

14-5D-15.

(A) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER § 14-5D-14 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE A HEARING OFFICER.

(2) THE HEARING OFFICER SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2, OF THE STATE GOVERNMENT ARTICLE.

(3) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDINGS UNDER THIS SECTION.

(4) AT LEAST 14 DAYS BEFORE THE HEARING, A HEARING NOTICE SHALL BE SENT BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL.

(B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.

(D) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES ITS ORDER.

14-5D-16.

ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED, THE BOARD MAY REINSTATE A REVOKED LICENSE.

14-5D-17.

UNLESS AUTHORIZED TO PRACTICE ATHLETIC TRAINING UNDER THIS SUBTITLE, A PERSON MAY NOT:

(1) PRACTICE ATHLETIC TRAINING IN THIS STATE;

(2) ATTEMPT TO PRACTICE OR OFFER TO PRACTICE ATHLETIC TRAINING IN THIS STATE;

(3) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PRACTICE ATHLETIC TRAINING IN THIS STATE; OR

(4) USE THE ABBREVIATION “A.T.”, “A.T.L.”, “L.A.T.”, OR ANY OTHER WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO REPRESENT THAT THE PERSON PRACTICES ATHLETIC TRAINING.

14-5D-18.

(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE BOARD.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE BOARD OF PHYSICIANS FUND.

14-5D-19.

THIS SUBTITLE MAY BE CITED AS THE “MARYLAND ATHLETIC TRAINERS ACT.”

14-5D-20.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2013.

Article – State Government

8-403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(6) ATHLETIC TRAINING ADVISORY COMMITTEE (§ 14-5D-04 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2012);

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Athletic Training Advisory Committee shall expire as follows:

(1) ~~two members~~ one athletic trainer member and one physician member in 2010;

(2) ~~three members~~ one athletic trainer member, one consumer member, and the physical therapist member in 2011; ~~and~~

(3) ~~three members~~ one physician member, the chiropractor member, and the occupational therapist member in 2012; and

(4) one athletic trainer member, one physician member, and one consumer member in 2013.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.